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National Solid Wastes Management Association

February 17, 1993

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Federal Communications Commission
1919 "M" St., NW
Washington, DC 20554

FCC - MAIL ROOM

RE: PR Docket No. 92-235¹

Dear Sir or Madam:

On behalf of the National Solid Wastes Management Association, I am submitting comments on the proposed revisions to the regulation of the private land mobile radio services.

NSWMA is a trade association representing more than 2500 private waste service firms in the U.S. and Canada. We also have a corresponding relationship with members in over a dozen countries around the globe. Transportation interests within NSWMA include the movement of general refuse, incinerator ash, hazardous waste, medical waste, and sweeping of streets. Private waste service companies collect most of the country's residential and commercial refuse and they transport most of the nation's commercially managed hazardous wastes. As such, the Association represents many companies that will be affected by the proposed rule.

The Motor Carrier Radio Service (MCRS) has been in existence since the 1940's. The MCRS must continue to exist in order to ensure the availability of wide spectrum frequencies for both safety considerations and improved productivity. At the same time, we understand the absolute necessity of splitting radio frequencies in order to create additional channel capacity. Nevertheless, the Association strongly objects to the proposed means and methods by which such frequencies will be split.

Two-Stage Band Narrowing

The FCC mistakenly believes that a two-stage process to narrow existing frequencies will "ease the transition to narrowband technology." Beginning in 1996, the two-stage process will force frequency users to discard usable equipment, invest in equipment that is capable of handling the first-stage frequencies, and then discard first-stage equipment to invest in second-stage equipment.

In fact, the Association supports a phased approach to frequency

time frame for the transition should begin no sooner than 5 years after the publication date of the final rule in the Federal Register. This time frame allows sufficient time to deal with glitches in the rule prior to forcing investment in expensive equipment. The phasing in of narrowband frequencies should begin incrementally in the most congested use areas such as major metropolitan areas. This will create a secondary market in less congested areas for equipment no longer usable with narrowband frequency assignments. Considering that existing equipment has a useful life of 15 to 20 years, extension of the mandatory narrowband frequency technology to less congested areas should not be completed for at least ten years.

Permissible Power Levels

The notice proposes to reduce permissible power levels in certain frequency bands. Power levels should not be reduced below 75 watts.

Pooling of Split Channels

The proposal puts land mobile frequencies into three broad categories: public safety, non-commercial, and specialized mobile radio service and general access. This frequency allocation penalizes the trucking industry. The trucking industry represents only one of 19 current types of radio frequency users. Yet, of the 20 largest users of all types, nineteen are land transportation entities. In short, the frequencies available to trucking interests will not increase despite frequency splitting and may even decrease. Frequency assignments should be done based on the number of radios in use, not the number of applicants.

Inter-service Sharing

The notice proposes to delete the inter-service sharing provision at 47 CFR 90.176. This provision has worked well and should not be abolished.

Part 88 Substitution

The Association disagrees that the proposed part 88 is "simpler and clearer" than the existing part 90. As currently written, we oppose the substitution of part 90 for part 88.

Costs

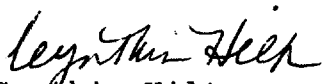
Contrary to the FCC ascertain that "these proposals will not unduly burden the public or increase administrative costs . . .," we contend that costs will be substantial. Industry estimates of the costs of transmitter and associated hardware and software

at the expense of the transportation industry that, with profit margins hovering around two to three percent, can ill afford to absorb this cost. Moreover, the mandatory equipment purchase requirement will surely drive up short term costs for the equipment.

Conclusion

The Association requests that the FCC proposal be revised to address the concerns noted above. We appreciate this opportunity to provide comment and are available for further comment if the need arises.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia Hilton".

Cynthia Hilton
Manager
Transportation and Safety
Programs